

REMARKS

SUMMARY

Reconsideration of the application is respectfully requested.

Claims 1-38 are in the application.

Applicant appreciatively acknowledges the Examiner's consideration of the drawings filed on January 10, 2002 and the information disclosure statements (IDS) submitted on March 14, 2002 and May 5, 2003. Applicant also acknowledges receipt of the Examiner's Notice of References Cited including U.S. Patent No. 6,823,338 to *Byrne, et al.* (hereinafter **BYRNE**) and U.S. Patent No. 6,026,402 to *Vossen, et al.* (hereinafter **VOSSSEN**).

CLAIM REJECTIONS UNDER 35 U.S.C. § 103

In "Claim Rejections – 35 USC § 103" item 2 on page 2 of the above-identified Office Action, claims 1, 3-5, 9, 11, 13-15, and 19 have been rejected as being obvious over **BYRNE** in view of U.S. Patent No. 6,208,993 to *Shadmon* (hereinafter **SHADMON**) under 35 U.S.C. § 103(a).

In "Claim Rejections – 35 USC § 103" item 3 on page 8 of the above-identified Office Action, claims 6-8, 16-18, 21, 23, 32, and 33-38 have been rejected as being obvious over **BYRNE** in view of **SHADMON** and further in view of U.S. Patent No. 6,052,693 to *Smith, et al.* (hereinafter **SMITH**) under 35 U.S.C. § 103(a).

In "Claim Rejections – 35 USC § 103" item 4 on page 21 of the above-identified Office Action, claims 25-31 have been rejected as being obvious over **BYRNE** in view of **SMITH** under 35 U.S.C. § 103(a).

In "Claim Rejections – 35 USC § 103" item 5 on page 26 of the above-identified Office Action, claims 2 and 12 have been rejected as being obvious over **BYRNE** in view of **SHADMON** and **SMITH** and further in view of U.S. Patent No. 6,604,106 to *Bodin, et al.* (hereinafter **BODIN**) under 35 U.S.C. § 103(a).

In "Claim Rejections – 35 USC § 103" item 6 on page 27 of the above-identified Office Action, claims 10, 20, 22, and 24 have been rejected as being obvious over **BYRNE** in view of **SHADMON** and **SMITH** and further in view of U.S. Patent No. 6,651,096 to *Gai, et al.* (hereinafter **GAI**) under 35 U.S.C. § 103(a).

As will be explained below, it is believed that the claims were patentable over the cited art in their original form and, therefore, the claims have not been amended to overcome the references.

Before discussing the prior art in detail, it is believed that a brief review of the invention as claimed, would be helpful. Claim 1 calls for, *inter alia*, a method for copying/archiving a web based application including the operations of:

initializing **a file** to store the web based application, including creation of a root directory **within the file**;

creating **data directories** under the root directory, and initializing **storage data objects** under the data directories for **all non-file system structures** of the web based application; and

copying and storing the non-file system structures into the storage data objects.

As such, claim 1 describes copying/archiving a web-based application **using a file to store the web based application**. The file exhibits its own file **directory within the file** including a root directory and data directories. **Non-file system structures** of the web based application are stored **in the file under the storage data objects**.

As described in MPEP 2142, to establish a *prima facie* case of obviousness over the instant application, three basic criteria must be met by the proposed combinations. First, there must be some suggestion or motivation, either in **BYRNE** or in the other cited references or in the knowledge generally available to one of ordinary skill in the art, to modify or to combine the teachings of **BYRNE** and the other cited references. Second, there must be a reasonable expectation of success. Finally, **BYRNE** and the other cited references, when combined, must teach or suggest all the claim limitations of the instant application. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in **BYRNE** or the cited references, and not be based on applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

The **BYRNE** reference discloses a "table" based database system and not "a file" based mechanism. More specifically, **BYRNE** shows processing sparse hierarchical access control list data stored in a relational database for directory services in a distributed computing environment, but not "a file to store said web based application...including...a root directory within said file" where "non-file system structures" are separately copied and stored into "storage data objects" as recited in the instant application.

As indicated in Col. 3, line 63 – Col. 4, line 9 of **BYRNE**

a client machine 10 makes a TCP/IP connection over network 11 to an LDAP server 12, sends requests and receives responses. **LDAP server 12 supports a directory 21 as illustrated in a simplified form in FIG. 2.** Each of the client and server machines further include a directory "runtime" component 25 for implementing the directory service operations as will be described below. **The directory 21 is based on the concept of an "entry" 27,** which contains information about some object (e.g., a person). **Entries are composed of attributes 29,** which have a type and one or more values. **Each attribute 29 has a particular syntax that determines what kinds of values are allowed in the attribute** (e.g., ASCII characters, jpeg file, etc.) and how these values are constrained during a particular directory operation.

In this manner, **BYRNE** uses a directory tree “organized in a predetermined manner” by entries that each have a “relative distinguished name” and which have at least one distinguished attribute value. As indicated in the **BYRNE** passage above, each attribute has a syntax to determine what kinds of values are allowed in the attribute. The separation of these attributes into ACL tables is discussed in more detail below, however; it should be noted that the described directories of **BYRNE** are not “within” the file as recited in claims 1, 11, 21, 23, 25, and 32 of the instant application.

The erroneous assertion in the above-identified Office Action that “tables” of **BYRNE** read on “non-file system structures” recited in claims 1, 11, 21, 23, 25, and 32 can be clarified through an explanation of the use of the term “table” within **BYRNE**. The precise nature of the “directory” to “entry” to “attribute” table relationships of **BYRNE** is further illustrated in Fig. 2 and Fig. 5 of **BYRNE**. Fig. 2 illustrates one form of a simplified Lightweight Directory Access Protocol (LDAP) directory having access controlled by the ACL tables where entries each have a “relative distinguished name” and which also have at least one distinguished attribute value.

The table based structure of **BYRNE**’s ACL is also crystallized in the claims of **BYRNE** which frequently require the use of a “relational database” where the identity of the directory object’s ACL and owner information is maintained in a table. Accordingly, each directory object of **BYRNE** has at least one table, with several of the independent claims calling for multiple tables for each directory object.

As previously indicated, the use of a relational database, or more specifically, tables of a database, is a substantial deviation from “a file to store said web based application” as recited in claims 1, 11, 21, 23, 25, and 32 of the instant application. More specifically, database tables dictate to one of ordinary skill in the art, management by a database management subsystem, in which services extend to the content of the databases, including to the “non-file system structures” recited in claims 1, 11, 21, 23, 25, and 32. In the case of **BYRNE**, database management is facilitated through the ACL tables.

In contrast, “a file” as recited in claims 1, 11, 21, 23, 25, and 32 of the present application, is managed by the file system service of an operating system, which are typically limited to the size of the file, the locations of the file, access control of the file, creation of the file, deletion of the file, search of the file properties, but the file system services do not extend to the content of the file. The database system of **BYRNE** includes services that would naturally extend to the content of the database, including definitions of tables and schemas. Accordingly, **BYRNE** does not suggest to a person of ordinary skill in the art to employ “a file” to copy/archive a web-based application having both “file system” and “non-file system” structures as recited in claims 1, 11, 21, 23, 25, and 32 of the present invention.

Moreover, the use of a database further indicates that the teachings of **BYRNE** would not teach or suggest the implementation of a file directory structure “within” the file to copy/archive the web-base application with both “file system” and “non-file system” structures as recited in claims 1, 11, 21, 23, 25, and 32 of the instant application. More specifically, Fig. 5 of **BYRNE** shows the relational database 39 being used as a backing store for LDAP server 37, the data in the database may be accessed through a sparse ACL mechanism 41. The backing store stores ACL information in a plurality of ACL tables including owner table 43, propagation table 45, permissions table 47, and source table 49. Even assuming, *arguendo*, that “tables” may be read as “data objects”, the data of **BYRNE** is clearly not being separated according to “non-file system structures” as recited in the claims of the instant application. Rather, **BYRNE** divides attributes for each data entry between the previously identified ACL tables, mandating the use of the database management system to regulate and perform data manipulation without intervention by the file system of the operating system.

Clearly, **BYRNE** does not show “a file to store said web based application...including...a root directory within said file” as recited in claims 1, 11, 21, 23, 25, and 32 of the instant application. Nor does **BYRNE** teach or suggest separation of “non-

file system structures” and copying and storing of “non-file system structures” into “storage data objects” as recited in claims 1, 11, 21, 23, 25, and 32 of the present invention.

None of the previously proposed combinations with **SHADMON, SMITH, BODIN,** and **GAI** make up for the described deficiencies in **BYRNE**. More specifically, it is believed that claims 1, 11, 21, 23, 25, and 32 are all patentable over the cited art in their present form for at least the reasons explained above.

It is accordingly believed to be clear that none of the references, whether taken alone or in any combination, either show or suggest the features of claims 1, 11, 21, 23, 25, or 32. Claims 1, 11, 21, 23, 25, and 32 are, therefore, believed to be patentable over the art. The dependent claims are believed to be patentable as well because they all are ultimately dependent on claim 1, 11, 21, 23, 25, or 32.

In the event the Examiner should still find any of the remaining claims to be unpatentable, counsel would appreciate receiving a telephone call so that, if possible, patentable language can be worked out. In the alternative, the entry of the amendment is requested, as it is believed to place the application in better condition for appeal, without requiring extension of the field of search.

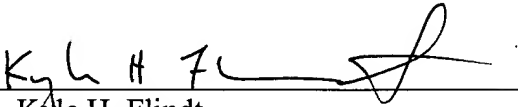
CONCLUSION

Applicant submits that all of the pending claims are in condition for allowance. Accordingly, a Notice of Allowance is respectfully requested. If the Examiner has any questions concerning the present paper, the Examiner is kindly requested to contact the undersigned at (206) 407-1509. If any fees are due in connection with this paper, the Commissioner is authorized to charge Deposit Account 500393.

Respectfully submitted,
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by:



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